

105TH CONGRESS
1ST SESSION

S. 428

To amend chapter 44 of title 18, United States Code, to improve the safety of handguns.

IN THE SENATE OF THE UNITED STATES

MARCH 12, 1997

Mr. KOHL (for himself, Mrs. BOXER, Mr. DURBIN, and Mr. CHAFEE) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend chapter 44 of title 18, United States Code, to improve the safety of handguns.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Child Safety Lock Act
5 of 1997”.

6 **SEC. 2. HANDGUN SAFETY.**

7 (a) DEFINITION OF LOCKING DEVICE.—Section
8 921(a) of title 18, United States Code, is amended by add-
9 ing at the end the following:

10 “(34) The term ‘locking device’ means—



1 “(A) a device that, if installed on a firearm
 2 and secured by means of a key or a mechani-
 3 cally-, electronically-, or electromechanically-op-
 4 erated combination lock, prevents the firearm
 5 from being discharged without first deactivating
 6 or removing the device by means of a key or
 7 mechanically-, electronically-, or
 8 electromechanically-operated combination lock;
 9 or

10 “(B) a locking mechanism incorporated
 11 into the design of a firearm that prevents dis-
 12 charge of the firearm by any person who does
 13 not have access to the key or other device de-
 14 signed to unlock the mechanism and thereby
 15 allow discharge of the firearm.”.

16 (b) UNLAWFUL ACTS.—Section 922 of title 18, Unit-
 17 ed States Code, is amended by inserting after subsection
 18 (x) the following:

19 “(y) LOCKING DEVICES AND WARNINGS.—

20 “(1) IN GENERAL.—Except as provided in para-
 21 graph (2), beginning 90 days after the date of enact-
 22 ment of the Child Safety Lock Act of 1997, it shall
 23 be unlawful for any licensed manufacturer, licensed
 24 importer, or licensed dealer to sell, deliver, or trans-
 25 fer any handgun—

1 “(A) to any person other than a licensed
2 manufacturer, licensed importer, or licensed
3 dealer, unless the transferee is provided with a
4 locking device for that handgun; or

5 “(B) to any person, unless the handgun is
6 accompanied by the following warning, which
7 shall appear in conspicuous and legible type in
8 capital letters, and which shall be printed on a
9 label affixed to the gun and on a separate sheet
10 of paper included within the packaging enclos-
11 ing the handgun:

12 “‘THE USE OF A LOCKING DEVICE OR
13 SAFETY LOCK IS ONLY ONE ASPECT OF
14 RESPONSIBLE FIREARM STORAGE.
15 FIREARMS SHOULD BE STORED UN-
16 LOADED AND LOCKED IN A LOCATION
17 THAT IS BOTH SEPARATE FROM THEIR
18 AMMUNITION AND INACCESSIBLE TO
19 CHILDREN.

20 ‘FAILURE TO PROPERLY LOCK AND
21 STORE YOUR FIREARM MAY RESULT IN
22 CIVIL OR CRIMINAL LIABILITY UNDER
23 STATE LAW. IN ADDITION, FEDERAL
24 LAW PROHIBITS THE POSSESSION OF A

HANDGUN BY A MINOR IN MOST CIRCUMSTANCES.’

“(2) EXCEPTIONS.—Paragraph (1) does not apply to—

“(A) the—

“(i) manufacture for, transfer to, or possession by, the United States or a State or a department or agency of the United States, or a State or a department, agency, or political subdivision of a State, of a handgun; or

“(iii) the transfer to, or possession by, a law enforcement officer employed by an entity referred to in clause (i) of a handgun for law enforcement purposes (whether on or off-duty); or

“(B) the transfer to, or possession by, a rail police officer employed by a rail carrier and certified or commissioned as a police officer under the laws of a State of a handgun for purposes of law enforcement (whether on or off-duty).”.

(c) CIVIL PENALTIES.—Section 924 of title 18, United States Code, is amended—

1 (1) in subsection (a)(1), by striking “or (f)”
 2 and inserting “(f), or (p)”; and

3 (2) by adding at the end the following:

4 “(p) PENALTIES RELATING TO LOCKING DEVICES
 5 AND WARNINGS.—

6 “(1) IN GENERAL.—

7 “(A) SUSPENSION OR REVOCATION OF LI-
 8 CENSE; CIVIL PENALTIES.—With respect to
 9 each violation of subparagraph (A) or (B) of
 10 section 922(y)(1) by a licensee, the Secretary
 11 may, after notice and opportunity for hearing—

12 “(i) suspend or revoke any license is-
 13 sued to the licensee under this chapter; or

14 “(ii) subject the licensee to a civil
 15 penalty in an amount equal to not more
 16 than \$10,000.

17 “(B) REVIEW.—An action of the Secretary
 18 under this paragraph may be reviewed only as
 19 provided in section 923(f).

20 “(2) ADMINISTRATIVE REMEDIES.—The sus-
 21 pension or revocation of a license or the imposition
 22 of a civil penalty under paragraph (1) does not pre-
 23 clude any administrative remedy that is otherwise
 24 available to the Secretary.”.

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